



DOUGLAS N. MASTERS
of Loeb & Loeb LLP

321 North Clark Street
Suite 2300
Chicago, IL 60610-4746

Direct 312.464.3144
Main 312.464.3100
Fax 312.577.0828
dmasters@loeb.com

TTAB

July 6, 2006

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: Anheuser-Busch Incorporated v. Dogfish Head Marketing, LLC
Mark: CHICORY STOUT (Serial No. 76/614,617)

Dear Sir/Madam:

Enclosed please find the following:

1. An original and two copies of a Notice of Opposition; and
2. A postage-paid, self-addressed postcard, which we request be stamped with the date of receipt and returned to us.

Please debit our Deposit Account No. 502876 for the \$300 filing fee and any additional necessary fees.

Cordially,

A handwritten signature in black ink, appearing to read 'Douglas N. Masters', written over a horizontal line.

Douglas N. Masters
of Loeb & Loeb LLP

DNM:ms
44220010142
CH30019.1

Enclosures

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter of Application Serial No. 76/614,617: CHICORY STOUT

ANHEUSER-BUSCH, INCORPORATED,

Opposer,

v.

DOGFISH HEAD MARKETING, LLC,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Anheuser-Busch, Incorporated, a Missouri corporation located and doing business at One Busch Place, St. Louis, Missouri, believes that it will be damaged by the registration of CHICORY STOUT, Application Serial No. 76/614,617, and opposes the same.

As grounds for opposition, it is alleged:

1. Opposer is the nation's leading brewer and marketer of beer.
2. On information and belief, Applicant has made no use of the mark shown in Application Serial No. 76/614,617 in commerce in the United States for beer prior to July 16, 1997.
3. On information and belief, Applicant uses the applied for mark in connection with stout made with, among other ingredients, chicory.
4. CHICORY STOUT is a generic term for beer, or it merely descriptive of beer.
5. On information and belief, CHICORY STOUT has not become distinctive of Applicant's beer in commerce.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on July 6, 2006.



07/13/2006 GTHDHAS2 00000064 502876 76614617

01 FC:6402 300.00 DA

CH30017.1
44220010142

6. If Applicant were granted registration of CHICORY STOUT, Applicant would obtain certain statutory rights, including *prima facie* rights to the exclusive use of CHICORY STOUT, all to the damage of Opposer.

7. Registration by Applicant of Application Serial No. 76/614,617 would be inconsistent with Opposer's and others' right to use CHICORY STOUT generically or descriptively.

WHEREFORE, registration by Applicant of Application Serial No. 76/614,617 for beer would be damaging to Opposer.

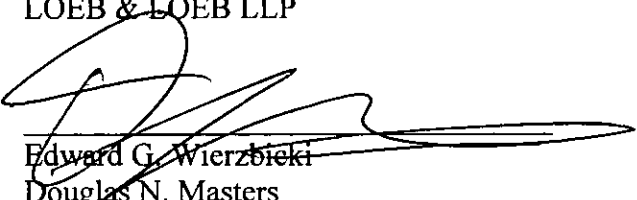
Please debit our Deposit Account No. 502876 for the \$300.00 filing fee and any additional necessary fees.

Please address all correspondence to Douglas N. Masters, Loeb & Loeb LLP, 321 North Clark Street, Suite 2300, Chicago, Illinois 60610.

Date: July 6, 2006

LOEB & LOEB LLP

By:



Edward G. Wierzbicki
Douglas N. Masters
321 North Clark Street
Suite 2300
Chicago, Illinois 60610
Telephone: (312) 464-3100
Fax: (312) 464-3111

Attorneys for Opposer